

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR SAINT CLOUD STATE UNIVERSITY

In the Matter of the Proposed
Suspension of Patrick Dhein

**FINDINGS OF FACT,
CONCLUSIONS, AND
RECOMMENDATION**

The above-entitled matter came on for hearing before Administrative Law Judge Steve M. Mihalchick on March 22, 1999, at 10:00 a.m. at the St. Croix Room, Atwood Center, Saint Cloud State University, St. Cloud, Minnesota. James Patrick Barone, Assistant Attorney General, 1200 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2130, appeared on behalf of Saint Cloud State University (SCSU). There was no appearance by or on behalf of the Student, Patrick Dhein. The record closed upon this matter upon the close of the hearing on March 22, 1999.

NOTICE

This Report is a recommendation, not a final decision. The President of SCSU will make the final decision after a review of the record. The President may adopt, reject or modify the Findings of Fact, Conclusions, and Recommendations. Under Minn. Stat. § 14.61, the final decision of the President shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the President. Parties should contact Bruce Grube, President of Saint Cloud State University, 720 Fourth Avenue South, St. Cloud, MN 56301-4498, to ascertain the procedure for filing exceptions or presenting argument.

STATEMENT OF ISSUE

The issue in this case is whether the Student was properly suspended for violations of the SCSU Code of Conduct including interfering with normal university activities, causing physical harm, engaging in harassment, use of alcohol on university premises, and failure to comply with the directions of university staff in the performance of their duties.

Based upon all of the proceedings herein, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. The Notice of and Order for Hearing in this matter was served upon the Student by first class mail on February 18, 1999, to 914-4th Street, Kiel, WI 53042, his last known address.

2. The Notice of and Order for Hearing contained the following notice:

SHOULD A PARTY FAIL TO APPEAR AT HEARING, THE
ALLEGATIONS MADE IN THIS ORDER MAY BE TAKEN AS TRUE. If
the allegations in this Order are taken as true, Dhein may be
suspended and other sanctions imposed.

3. The Student did not file any Notice of Appearance with the Administrative Law Judge nor make any request for a continuance or any other relief. The Student did not appear at the hearing scheduled on March 22, 1999, nor have an appearance made on his behalf.

4. Because the Student failed to appear at the hearing in this matter, he is in default. Pursuant to Minn. R. 1400.6000, the allegations contained in the Notice of and Order for Hearing are hereby taken as true and incorporated into these Findings of Fact.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. SCSU and the Administrative Law Judge have jurisdiction over this matter pursuant to Minn. Stat. §§ 14.50 and 136F.06, subd. 1.

2. SCSU gave proper notice of the hearing in this matter and has fulfilled all relevant substantive and procedural requirements of law and rule.

3. The Student, having made no appearance at the hearing, and not requesting any continuance or relief, is in default. Pursuant to Minn. R. 1400.6000, the allegations contained in the Notice of and Order for Hearing are hereby taken as true.

4. The Student was properly suspended for violations of the SCSU Code of Conduct including interfering with normal university activities, causing physical harm, engaging in harassment, use of alcohol on university premises, and failure to comply with the directions of university staff in the performance of their duties.

5. SCSU is authorized by Minn. Stat. § 136F.06, subd. 1, and the SCSU Code of Conduct, to suspend the Student and impose restrictions upon the Student's return to SCSU.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RESPECTFULLY RECOMMENDED that the President of Saint Cloud State University impose appropriate discipline upon Patrick Dhein for violating SCSU's Code of Conduct.

Dated this 23rd day of March, 1999.

STEVE M. MIHALCHICK
Administrative Law Judge

Reported: Default.

NOTICE OF AGENCY DECISION

Under to Minn. Stat. § 14.62, subd. 1, the President of SCSU is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.